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PENHEIMER CAMERA PROD-
UCTS, INC.; and MARTY OPPEN-
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Attorney for OCEANIC PRODUCTION
EQUIPMENT, LTD.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VOICE INTERNATIONAL, INC., a
California corporation; DAVID
GROBER, an individual,

Plaintiffs,

vs.

OPPENHEIMER CINE RENTAL,
LLC, a Washington corporation; OP-
PENHEIMER CAMERA PRODUCTS,
INC., a Washington corporation;
MARTY OPPENHEIMER, an individ-
ual; JORDAN KLEIN, SR., an individ-
ual; JORDAN KLEIN, JR., an individu-
al; JOHN DANN, an individual; Mako
Products, an unknown entity, Oceanic
Production Equipment, Ltd., a Bahami-
an company; and DOES 1-10, inclusive,

Defendants.

Case No. 2:15-cv-08830-JAK-KS

*The Honorable John A. Kronstadt,
Courtroom 750*

DECLARATION OF JOHN DANN

Complaint Filed: November 12, 2015

1 /////

- 2 1. I, John Dann, am a competent adult and a citizen of the United States of
3 America.
- 4 2. I have personal knowledge of the matters contained herein, and if required to
5 testify as a witness I could and would testify, under oath, to the matters
6 contained herein.
- 7 3. I am thoroughly familiar with the MakoHead stabilizer (“MakoHead”), the
8 accused product in the captioned patent infringement lawsuit.
- 9 4. A Bahamian company, Oceanic Production Equipment Ltd. (“OPEL”),
10 which is owned by me, is a defendant in the captioned patent infringement
11 lawsuit.
- 12 5. OPEL owns several MakoHeads.
- 13 6. I have reviewed and understand the motion for summary judgment [Dkt.
14 141], including all Exhibits thereto [Dkt. 141-1, 141-2, 141-3, 141-4, 141-5,
15 141-6, 141-7] filed by defendants Oppenheimer Cine Rental, LLC,
16 Oppenheimer Camera Products, Inc., and Marty Oppenheimer
17 (“Oppenheimer Defendants”).
- 18 7. The statements relating to the MakoHead that were made by Thomas Smith
19 in the declaration [Dkt. 141-2] attached to the motion for summary judgment
20 [Dkt. 141] are true and correct.

- 1 8. The drawings and photograph [Dkt. 141-3] attached as exhibits to the
2 declaration of Thomas Smith fairly and accurately represent a MakoHead.
3 Reference numerals used herein are the same as those used in the drawings.
- 4 9. To demonstrate motion of components of a MakoHead, OPEL created a
5 video of a MakoHead in use on a table with a moving top.
- 6 10. On September 25, 2017, on behalf of Defendant OPEL, I did the following:
 - 7 a) I attached a MakoHead to the top of a table. The top of the table pitches
8 and rolls to mimic motion of a deck of a boat;
 - 9 b) I activated the MakoHead attached to the table top.
 - 10 c) I recorded, from various angles, video clips of the activated MakoHead
11 attached to the table top.
 - 12 d) I temporarily disabled the outer axis motor of the MakoHead by
13 unplugging the power supply to that motor.
 - 14 e) I recorded a video clip of the activated MakoHead, with the temporarily
15 disabled outer axis motor, attached to the table top.
 - 16 f) I temporarily disabled the inner axis motor of the MakoHead by
17 unplugging the power supply to that motor.
 - 18 g) I recorded a video clip of the activated MakoHead, with the temporarily
19 disabled inner axis motor, attached to the table top.
- 20

1 11. The video entitled MakoHead.mp4 (“MakoHead Video”) is 616,955KB in
2 file size, 8 minutes and 9 seconds (8:09) in duration, and consists
3 exclusively of the clips mentioned above in paragraphs 10c, 10e, and 10g.

4 12. The MakoHead Video fairly and accurately represents the MakoHead in use
5 on a table with a table top that pitches and rolls.

6 13. The MakoHead Video includes the following segments:

7 a) A segment from 0:00 (minutes:seconds) to 0:21 shows, at a first angle,
8 the MakoHead on the moving table top. A blue rectangular cover is
9 provided on the table top. One side of the rectangular cover is labeled A,
10 for aft, the opposite side is labeled B for Bow, another side is labeled P
11 for Port, and another side is labeled S for Starboard. The labels are
12 provided to indicate the different views. The housing that is labeled
13 MakoHead and clearly visible in the segment is the inner motor housing
14 115. Motion of the inner motor housing 115 relative to the table top is
15 clearly apparent in this segment.

16 b) A segment from 0:21 to 0:50 shows, at a second angle, the MakoHead on
17 the moving table top. Again, the housing that is labeled MakoHead and
18 clearly visible in the segment is the inner motor housing 115. Motion of
19 the inner motor housing 115 relative to the table top is clearly apparent in
20 this segment.

1 c) A slow motion segment from 0:51 to 1:48 shows, at the second angle, the
2 MakoHead on the moving table top. Again, the housing that is labeled
3 MakoHead and clearly visible in the segment is the inner motor housing
4 115. Motion of the inner motor housing 115 relative to the table top is
5 clearly apparent in this segment.

6 d) A segment from 1:49 to 1:50 shows, at the second angle, the MakoHead
7 on the moving table top, at normal speed. Again, the housing that is
8 labeled MakoHead and clearly visible in the segment is the inner motor
9 housing 115. Motion of the inner motor housing 115 relative to the table
10 top is clearly apparent in this segment.

11 e) A segment from 1:51 to 2:12 shows, at the third angle, the MakoHead on
12 the moving table top, at normal speed. The housing that is labeled
13 MakoHead and adjacent to the side labeled B, as clearly visible in the
14 segment is the outer motor housing 120. Motion of the outer motor
15 housing 120 relative to the table top is clearly apparent in this segment.

16 f) A segment from 2:13 to 2:27 shows, at the fourth angle, the MakoHead
17 on the moving table top, at normal speed. The housing that is labeled
18 MakoHead and adjacent to the side labeled B, as clearly visible in the
19 segment is the outer motor housing 120. Motion of the outer motor
20 housing 120 relative to the table top is clearly apparent in this segment.

1 g) A segment from 2:28 to 2:30 shows, at the fifth angle, the MakoHead on
2 the moving table top, at normal speed. The housing that is labeled
3 MakoHead and adjacent to the side labeled B, as clearly visible in the
4 segment is the outer motor housing 120. Motion of the outer motor
5 housing 120 relative to the table top is clearly apparent in this segment.

6 h) A segment from 2:31 to 3:35 shows, at the fifth angle, the MakoHead on
7 the moving table top, in slow motion. The housing that is labeled
8 MakoHead and adjacent to the side labeled B, as clearly visible in the
9 segment is the outer motor housing 120. Motion of the outer motor
10 housing 120 relative to the table top is clearly apparent in this segment.

11 i) A segment from 3:36 to 3:38 shows, at the fifth angle, the MakoHead on
12 the moving table top, at normal speed. The housing that is labeled
13 MakoHead and adjacent to the side labeled B, as clearly visible in the
14 segment is the outer motor housing 120. Motion of the outer motor
15 housing 120 relative to the table top is clearly apparent in this segment.

16 j) A segment from 3:39 to 3:59 shows, at a sixth angle, the MakoHead on
17 the moving table top, at normal speed. The housing that is labeled
18 MakoHead and adjacent to the side labeled B (at the bottom of the
19 displayed video), is the outer motor housing 120. The other housing is
20 the inner motor housing 115. Motion of the inner motor housing 115 and

1 the outer motor housing 120 relative to each other and the table top is
2 clearly apparent in this segment.

3 k) A segment from 4:00 to 4:20 shows, at a seventh angle, the MakoHead
4 on the moving table top, at normal speed. The housing that is labeled
5 MakoHead and adjacent to the side labeled B (at the bottom of the
6 displayed video), is the outer motor housing 120. The other housing is
7 the inner motor housing 115. Motion of the inner motor housing 115 and
8 the outer motor housing 120 relative to each other and the table top is
9 clearly apparent in this segment.

10 l) A segment from 4:21 to 5:17 shows, at the seventh angle, the MakoHead
11 on the moving table top, in slow motion. The housing that is labeled
12 MakoHead and adjacent to the side labeled B (at the bottom of the
13 displayed video), is the outer motor housing 120. The other housing is
14 the inner motor housing 115. Motion of the inner motor housing 115 and
15 the outer motor housing 120 relative to each other and the table top is
16 clearly apparent in this segment.

17 m) A segment from 5:18 to 5:18 briefly shows, at the seventh angle, the
18 MakoHead on the moving table top, at normal speed. The housing that is
19 labeled MakoHead and adjacent to the side labeled B (at the bottom of
20 the displayed video), is the outer motor housing 120. The other housing

1 is the inner motor housing 115. Motion of the inner motor housing 115
2 and the outer motor housing 120 relative to each other and the table top is
3 clearly apparent in this segment.

4 n) A segment from 5:19 to 5:39 shows, at an eighth angle, the MakoHead on
5 the moving table top, at normal speed. The housing that is labeled
6 MakoHead and adjacent to the side labeled B (at the left side of the
7 displayed video), is the outer motor housing 120. Motion of the outer
8 motor housing 120 relative to the table top is clearly apparent in this
9 segment.

10 o) A segment from 5:40 to 6:02 shows, at a ninth angle, the MakoHead on
11 the moving table top, at normal speed. The housing that is labeled
12 MakoHead and adjacent to the side labeled B (at the left side of the
13 displayed video), is the outer motor housing 120. . The other housing is
14 the inner motor housing 115. Motion of the inner motor housing 115 and
15 the outer motor housing 120 relative to each other and the table top is
16 clearly apparent in this segment.

17 p) A segment from 6:02 to 7:10 shows, at the ninth angle, the MakoHead on
18 the moving table top, in slow motion. The housing that is labeled
19 MakoHead and adjacent to the side labeled B (at the left side of the
20 displayed video), is the outer motor housing 120. . The other housing is

1 the inner motor housing 115. Motion of the inner motor housing 115 and
2 the outer motor housing 120 relative to each other and the table top is
3 clearly apparent in this segment.

4 q) A segment from 7:11 to 7:12 shows, at the ninth angle, the MakoHead on
5 the moving table top, at normal speed. The housing that is labeled
6 MakoHead and adjacent to the side labeled B (at the left side of the
7 displayed video), is the outer motor housing 120. . The other housing is
8 the inner motor housing 115. Motion of the inner motor housing 115 and
9 the outer motor housing 120 relative to each other and the table top is
10 clearly apparent in this segment.

11 r) A segment from 7:13 to 7:38 shows, at a tenth angle, the MakoHead on
12 the moving table top, at normal speed, with power to the outer axis motor
13 disconnected, rendering the outer axis motor inoperable. The housing
14 that is labeled MakoHead and adjacent to the side labeled S (at the right
15 side of the displayed video), is the inner motor housing 115. The other
16 housing, which contains the disabled outer axis motor, is the outer motor
17 housing 120. Motion of the inner gimbal 140 relative to the table top is
18 clearly apparent in this segment.

19 s) A segment from 7:39 to 8:09 shows, at an eleventh angle, the MakoHead
20 on the moving table top, at normal speed, with power to the inner axis

1 motor disconnected, rendering the inner axis motor inoperable. The
2 housing that is labeled MakoHead and adjacent to the side labeled B (at
3 the right side of the displayed video), is the outer motor housing 120.
4 The other housing, which contains the disabled inner axis motor, is the
5 inner motor housing 115. Motion of the outer gimbal 135 relative to the
6 table top is clearly apparent in this segment.

7 14. The segments of the MakoHead Video identified above in paragraphs 13a
8 through 13s fairly and accurately represent the MakoHead in use on a table
9 with a table top that pitches and rolls.

10 15. I declare under penalty of perjury that the foregoing is true and correct.

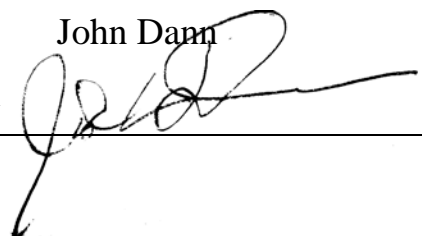
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Date: 10/02/2017

John Dann

By:

/s/

A handwritten signature in black ink, appearing to read 'John Dann', is written over a horizontal line. The signature is stylized with a large initial 'J' and a long, sweeping horizontal stroke.